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Public Service Commission
Of West Virginia

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201 Brooks Street, P. O. Box 812
Charleston, West Virginia 25323

James D. Williams
Chairman



June 28, 2002

VIA OVERNIGHT DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: CC Docket No. 96-45: Certification Under 47 U.S.C. § 254(e).

Dear Secretary Dortch:

The Public Service Commission of West Virginia (WVPSC) hereby submits its certification in accordance with 47 C.F.R. §§ 54.313 & .314. These sections of the Commission's rules requires state certification in order to allow incumbent local exchange carriers (incumbent LECs or ILECs) and competitive LECs that have been designated as eligible telecommunications carriers (ETCs), to receive federal universal service support pursuant to 47 C.F.R. §§ 54.301 to .314.

As required by 47 C.F.R. §§ 54.313(a) & .314(a), the WVPSC certifies that the following carriers in West Virginia are eligible to receive federal support during October 1, 2002 to December 31, 2002: Highland Cellular, Inc. By recommended decision entered May 10, 2002, which became a final order of the WVPSC on May 20, 2002, Highland – a

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(304) 340-0307
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JWILLIAMS@PSC.STATE.WV.US

Ms. Marlene H. Dortch, Secretary

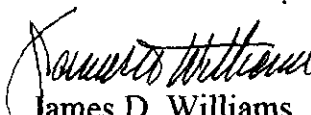
June 28, 2002

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commercial mobile radio services provider (CMRS) – was designated an ETC by the WVPSC. See “Recommended Decision,” Highland Cellular, Inc., Case No. 01-1604-T-PC (May 10, 2002; Final May 30, 2002). The WVPSC further certifies that Highland will use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended. This certification is the product of formal proceedings before the WVPSC. See “Commission Order,” Petition to Initiate a General Investigation Re: Certification of the Disposition of Federal Universal Service Funding for Calendar Year 2002, Case No. 01-1129-T-PC (June 28, 2002) (copy attached).¹

On behalf of the people of West Virginia, the WVPSC expresses its appreciation for the Commission’s efforts in arriving at a mechanism to provide support that will reduce monthly rates for the bulk of consumers and make those rates more comparable to rates paid by consumers in other parts of the Nation.

Very truly yours,


James D. Williams
Chairman

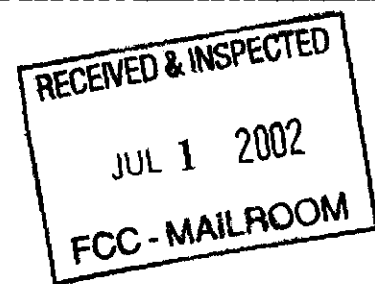
JDW/raf

Enclosures

cc: Irene Flannery, Universal Service Administrative Company
2120 L Street, NW
Suite 600
Washington, DC 20037
Via Fax: (202) 776-0080

¹WVPSC orders and decisions can also be viewed or downloaded from the following link on the Commission’s Internet website: <http://www.psc.state.wv.us/orders>.

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON



CERTIFICATION OF TRUE COPY

RE: CASE NO. 01-1129-T-PC
GENERAL INVESTIGATION REGARDING Certification for the disposition
of federal universal service funding by incumbent local exchange telecommunications
carriers and competitive eligible telecommunications carriers in West Virginia for
calendar year 2002.

I, Sandra Squire, Executive Secretary of the Public Service Commission of West Virginia, certify
that the attached is a true copy of the June 28, 2002, Commission Order in the above proceeding, as the
same appears on file and of record in my office.

Given under my hand and the seal of the Public Service Commission of West Virginia, in the City of
Charleston, Kanawha County, this 29th day of June, 2002.

A handwritten signature in cursive script that reads "Sandra Squire".

Sandra Squire
Executive Secretary

SS/s
Attachment

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the Public Service Commission of West Virginia, in the City of Charleston, on the 28th day of June, 2001.

CASE NO. 01-1129-T-PC (REOPENED)

GENERAL INVESTIGATION REGARDING

Certification for the disposition of federal universal service funding by incumbent local exchange telecommunications carriers and competitive eligible telecommunications carriers in West Virginia for calendar year 2002.

COMMISSION ORDER

In September 2001, the Commission certified the disposition of federal universal service funding by incumbent local exchange carriers (LECs) and competitive eligible telecommunications carriers (ETCs). Since that time, another carrier has become an ETC. Accordingly, in this order, the Commission certifies the disposition of federal universal service funding by the newest ETC.

BACKGROUND

On September 26, 2001, the Commission certified to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC) that several LECs and ETCs were eligible to continue to receive federal universal service support for the entire calendar year 2002, based upon their verified statements that they use federal universal service funds only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended.¹ Comm'n Order p. 3, GI Re: Certification of the Disposition of Universal Service Funds, Case No. 01-1129-T-PC (Sept. 26, 2001).

¹ The Telecommunications Act of 1934 was substantially modified in 1996. Therefore, the Commission and the parties refer to the statute with the terms "Telecommunications Act of 1996" and "Telecommunications Act of 1934, as amended" interchangeably in this case.

On May 30, 2002, Highland Cellular, Inc. was designated, pursuant to 47 U.S.C. § 241(e), as an ETC by the Commission. Comm'n Order p. 8, Highland Cellular, Inc., Case No. 01-1604-T-PC (Rec. Dec. May 10, 2002, final May 30, 2002).

On June 28, 2002, Highland filed a verified statement that it will use federal universal service fund support only for the provision, maintenance and upgrading of facilities and services for which support is necessary, consistent with Section 254(e) of the Telecommunications Act of 1996. Verified Statement p. 1.

On June 28, 2002, Commission Staff recommended that this proceeding be reopened. 2d Further Final Joint Staff Memorandum pp. 1-2. Staff recommended that the Commission find that Highland is using federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended. Id. pp. 1-2. Staff also advised it was appropriate for the Commission to certify to the FCC and the USAC that Highland is eligible to receive federal universal service support, based on its verified statement. Id. p. 2. For Highland to receive USF support beginning with the fourth quarter (October 1, 2002), the Commission must issue an order consistent with Staff's recommendation and file the letters with the FCC and USAC by July 1, 2002, Staff said. Id. p. 2.

DISCUSSION

This case should be reopened to consider Highland's petition.

The Commission recently named Highland as an ETC. As recommended by Staff, the Commission finds that Highland will use USF support only for the provision, maintenance and upgrading of facilities and services for which support is necessary, consistent with Section 254(e) of the Telecommunications Act of 1996. Accordingly, it is appropriate for the Commission to certify to the FCC and the USAC that Highland is eligible to receive federal universal service support, based on Highland's verified statement. Id. p. 2.

Due to the approaching deadline for Highland to be eligible for USF support beginning in the fourth quarter of 2002, this matter should receive expedited treatment.

FINDINGS OF FACT

1. On May 30, 2002, Highland was designated, pursuant to 47 U.S.C. § 241(e), as an ETC by the Commission. Comm'n Order p. 8, Highland Cellular, Case No. 01-1604-T-PC (Rec. Dec. May 10, 2002, final May 30, 2002).

2. On June 28, 2002, Highland filed a verified statement that it will use federal universal service fund support only for the provision, maintenance and upgrading of facilities and services for which support is necessary, consistent with Section 254(e) of the Telecommunications Act of 1996. Verified Statement p. 1.

3. On June 28, 2002, Commission Staff recommended that Highland's petition to reopen be granted. 2d Further Final Joint Staff Memorandum pp. 1-2.

CONCLUSIONS OF LAW

1. Since the Commission recently named Highland an ETC and Highland will use USF support only for the provision, maintenance and upgrading of facilities and services for which support is necessary, consistent with Section 254(e) of the Telecommunications Act of 1996, it is reasonable to certify, as recommended by Staff, that Highland is eligible to receive federal universal service support. Id. p. 2.

2. Due to the approaching deadline for Highland to be eligible for fourth quarter USF support, this matter should receive expedited treatment.

ORDER

IT IS THEREFORE ORDERED that this case is reopened.

IT IS FURTHER ORDERED that Highland shall only use universal service fund support for the provision, maintenance and upgrading of facilities and services for which support is necessary, consistent with Section 254(e) of the Telecommunications Act of 1996.

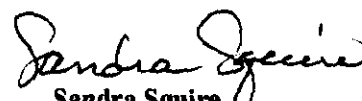
IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that Highland is eligible to receive federal universal service support, beginning in the fourth quarter of calendar year 2002, based on the verified statement submitted to the Commission.

IT IS FURTHER ORDERED that this proceeding be removed from the Commission's docket of active cases.

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this order upon all parties of record by United States First Class Mail and upon Commission Staff by hand delivery.

A True Copy, Teste:

CLW/ljm
011129cc.wpd


Sandra Squire
Executive Secretary